IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2939 OF 2004

Natvar Parikh Ind.Ltd. & Anr. .. Petitioners.

V/s.

Union of India & Ors. .. Respondents.

Mr.V.K. Rambhadran with Mr.N.S. Rodrigues for the petitioners.

Mr.B.A. Desai, Additional Solicitor General with Mr.V.S. Masurkar for respondent Nos.1 and 2.

Ms.S.I. Shah for respondent No.3.

Mr.S.N. Kantawala for respondent No.4.

Mr.B.N. Chakravarti, Manager (Law), West Bengal Essential Commodities Supply Corporation Limited present in court.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 10TH FEBRUARY, 2005.

P.C.

Heard learned counsel for the parties. This petition is filed seeking a writ directing the respondents to destuff the cargo and release the 12 containers to the petitioners. The petitioners also seek an order directing the third respondent to auction and sell the cargo contained in the 12 containers and apply the sale proceeds thereof in

accordance with Section 150 of the Customs Act. The learned counsel for respondent No.4 Shri Kantawala states that the respondent No.4 who had claimed the goods has relinquished its title in favour of West Bengal Essential Commodities Supply Corporation Limited. Mr.B.N. Chakravarti, Manager (Law) of West Bengal Essential Commodities Supply Corporation Limited who is personally present in court assures this court that the West Bengal Essential Commodities Supply Corporation Limited is willing to clear the goods after paying all the requisite duty and charges payable to customs authorities, warehousing authorities and also after paying the container charges and freight charges to the petitioner within a period of two weeks from today.

2. Under the aforesaid facts and circumstances, two weeks time is granted to the West Bengal Essential Commodities Supply Corporation Limited to clear the goods after paying all the dues as stated hereinabove. It is made clear that if the West Bengal Essential Commodities Supply Corporation Limited does not lift the goods within a period of two weeks from today, the respondent No.3 shall auction the goods contained in the 12 containers and appropriate the sale proceeds as provided under the

provisions of the Customs Act, 1962.

3. Mr.Desai, learned Additional Solicitor General states that the customs authorities will issue requisite no objection certificate to the Central Warehousing Corporation / respondent No.3 to carry out the auction within a period of two weeks from today. If the West Bengal Essential Commodities Supply Corporation Limited does not clear the goods within two weeks from today as stated hereinabove, then the Central Warehousing Corporation shall auction the goods within a period of eight weeks thereafter and release the 12 containers to the petitioner.

4. The petition is disposed of in the above terms.

5. Parties to act on ordinary copy of this order duly authenticated by the Associate / C.S.

(S. RADHAKRISHNAN. J.)

(J.P. DEVADHAR, J.)